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ONE HUNDRED TENTH CONGRESS

U.S. House of Representatives
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May 21, 2008

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Eric Schmidt, Ph.D.
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Dear Dr. Schmidt:

I would like to thank you for hosting my staff on December 19 and 20, 2007, at Google headquarters in Mountain View California, and for your timely response to my letter of December 12, 2007, regarding Google's privacy practices. My staff found that the visit was very informative and thorough, and that it gave them a much better understanding of Google's business.

At the time of the meeting between my staff and Google employees, Google was not able to speak to the particulars of the Google-DoubleClick merger because it had not yet been approved by the Federal Trade Commission (FTC).

Now that the FTC and the European Union have approved the merger, I would like to take this opportunity to ask questions about Google's policies and practices as they relate to the Google-DoubleClick merger. Individually, Google and DoubleClick collect a great deal of data relating to their users' online activity. It is critical that Google's and DoubleClick's policies and procedures for handling this information be transparent, and that every effort is made to protect consumers' data. To help us better understand those policies and procedures going forward after the merger, we respectfully request that you respond to the following questions.

1. In your response to Question 20 of my December 11, 2007, letter, you state that while you "have not yet decided whether or how we would merge DoubleClick and Google data," you do "know that combining Google and DoubleClick data would involve certain technical and legal issues." Please identify these technical and legal issues.

- a. Please explain whether Google has decided to merge Google and DoubleClick data. If yes, please identify the data that will be merged, including, but not limited to, cookie data, and how the merged data will be used.
2. Is it DoubleClick's policy or practice that advertisers "own" the cookie data associated with their advertisements, and that this data cannot be shared with other advertisers or publishers who are associated with DoubleClick?
 - a. If yes, does Google-DoubleClick intend to continue this policy after the merger?
 - b. Does Google intend to make changes to DoubleClick's contractual relationships with advertisers and publishers that will allow Google or Doubleclick to track or monitor through the use of a cookie a user's activity across different websites? If so, how will Google use this information?
3. Before the merger, Google dropped cookies for certain purposes, such as to collect certain information about a Google user's preferences and to count the number of user clicks on a Google advertisement. Doubleclick also dropped certain cookies when a user clicked on an advertisement in order to track the number of times an advertisement was viewed.
 - a. After the merger, does Google intend to make certain changes that, when a Google user visits www.google.com, will allow Google to "read" or recognize a DoubleClick cookie assigned to that user's browser?
 - b. After the merger, does Google intend to make use of the DoubleClick cookie data for the purposes of Google AdWords or AdSense or for any other purpose?
4. In your response to Question 17 of my December 11, 2007, letter, you state that "DoubleClick . . . allows users to opt out of the ad-serving cookie by visiting the [Network Advertising Initiative] website." After the Google-DoubleClick merger, will Google continue to allow users to opt out of this ad-server cookie? What other controls will Google users have with regard to ad-server cookies dropped by DoubleClick?
5. In your response to Question 18 of my December 11, 2007, letter, you state that "Google is testing a new ad-serving technology." The privacy policy with respect to this new policy, found at www.google.com/ads/gcc_privacy.html, describes the cookies set as part of this new technology, the data retained, and how to opt out of the new technology.
 - a. Please describe the benefits this service will provide to advertisers that are different from those offered by Google AdWords, Google AdSense, or Google Analytics?
 - b. The privacy policy for the new ad-serving technology states that, in addition to other information, Google will retain the IP address and userID, or browser ID, when an ad is served through the Google test ad server. Please explain why a

browser ID will be retained in connection to the new ad-serving technology, how this information will be used, and whether Google retains browser ID data with regard to other Google services.

- c. Please explain whether Google will use this new ad-serving technology in connection with DoubleClick's ad-serving network and, if so, how it will be used.
6. Recently, USA Today reported that hackers may have manipulated Google Search by embedding a "keystroke logger" in the site results generated by a Google search. According to this article, the keystroke logger may collect sensitive information, including passwords. *See* http://www.usatoday.com/money/industries/technology/2008-03-31-javascript-hackers_N.htm. The article also estimates that seven in 10 websites are vulnerable to this type of attack. Please explain how many websites that are indexed by Google have been a victim of this kind of cyber attack. Please explain how Google is addressing this problem, and how Google users can protect themselves and their personal information.

As I mentioned in my first letter to you, our ongoing dialogue with Google is critical to helping us understand the consumer protection and privacy implications of the online world. I appreciate your timely and detailed response to my first letter. I hope that you will be able to respond to the questions above no later than June 6, 2008.

Sincerely,



Joe Barton
Ranking Member

cc: The Honorable John Dingell
Chairman
The Honorable Bobby Rush
Chairman, Subcommittee on Commerce, Trade, and Consumer Protection
The Honorable Ed Whitfield
Ranking Member, Subcommittee on Commerce, Trade, and Consumer Protection
The Honorable Ed Markey
Chairman, Subcommittee on Telecommunications and the Internet
The Honorable Cliff Stearns
Ranking Member, Subcommittee on Telecommunications and the Internet
The Honorable Bart Stupak
Chairman, Subcommittee on Oversight and Investigations
The Honorable John Shimkus
Ranking Member, Subcommittee on Oversight and Investigations
The Honorable William E. Kovacic
Chairman, Federal Trade Commission